

2

Matthew R. Clark (SBN 271054)
 mclark@aldridgepite.com
 Joseph C. Delmotte (SBN 259460)
 jdelmotte@aldridgepite.com
ALDRIDGE PITE, LLP
 4375 Jutland Drive, Suite 200
 P.O. Box 17933
 San Diego, CA 92177-0933
 Telephone: (858) 750-7600
 Facsimile: (619) 590-1385

Attorneys for
 Wells Fargo Bank, N.A.

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA - SACRAMENTO

In re

SONJA JARIE KRANTZ AKA SONJA
 FERGUSON AKA SONJA HENDRIX
 AKA SONJA J FERGUSON AKA
 SONJA J HENDRIX AKA SONJA J
 KRANTZ AKA SONJA JARIE
 FERGUSON AKA SONJA JARIE
 HENRIX AKA SONJA KRANTZ,

Debtor.

Case No. 16-21251

Chapter 7

D.C. No. AP-1

**MOTION FOR RELIEF FROM
 AUTOMATIC STAY**

Hearing:

Date: May 24, 2016

Time: 9:30 a.m.

Ctrm: 35

501 "I" Street
 Sacramento, CA 95814

Wells Fargo Bank, N.A. ("Movant") will and hereby does move, pursuant to 11 U.S.C. §§ 362(d)(1) and (d)(2) and Rule 4001 of the Federal Rules of Bankruptcy Procedure, for an order terminating the automatic stay of 11 U.S.C. § 362(a) as it applies to Movant and the real property located at 2839 N Sheffield Dr, Indianapolis, Indiana 46229 (the "Property").¹

This motion is made on the following grounds:

¹ This motion shall not constitute a waiver of the within party's right to receive service pursuant to Fed. R. Civ. P. 4, made applicable to this proceeding by Fed. R. Bankr. P. 7004, notwithstanding Aldridge Pite, LLP's participation in this proceeding. Moreover, the within party does not authorize Aldridge Pite, LLP, either expressly or impliedly through Aldridge Pite, LLP's participation in this proceeding, to act as its agent for purposes of service under Fed. R. Bankr. P. 7004.

(1) Pursuant to 11 U.S.C. § 362(d)(1), cause exists to terminate the automatic stay because:

- a. Payments due on the note secured by a Mortgage on the Property have not been made to Movant (i.e., the subject loan is in default as of November 1, 2015 and the total outstanding payments due under the loan are in the sum of \$4,884.00).
- b. Movant's interest in the Property is not protected by an adequate equity cushion (as detailed below).

(2) Pursuant to 11 U.S.C. § 362(d)(2), the debtor has no equity in the Property and the Property is not necessary to an effective reorganization. The equity analysis for the Property is as follows:

Fair Market Value:	\$91,217.00
Less:	
Movant's 1 st Trust Deed	\$95,958.54
Costs of Sale (8%)	<u>\$7,297.36</u>
Equity in the Property:	<u>\$(12,038.90)</u>

This motion is based on the Notice of Motion for Relief from Automatic Stay, Memorandum of Points and Authorities in Support of Motion for Relief from Automatic Stay, Declaration in Support of Motion for Relief from Automatic Stay, and Exhibits to Declaration in Support of Motion for Relief from Automatic Stay filed concurrently herewith, the pleadings and papers on file herein, and upon such oral and documentary evidence as may be presented by the parties at the hearing.

ALDRIDGE PITE, LLP

Dated: April 13, 2016

/s/ Matthew R. Clark (SBN 271054)

MATTHEW R. CLARK

Attorneys for Movant Wells Fargo Bank, N.A.